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November 30, 2005

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RECEIVED

VIA HAND DELIVERY AND ECFS

NOV 30 2005

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: **TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST**
MB Docket No. 05-317
Tampa Bay Television, Inc.
WFTS-DT, Tampa, FL (Facility ID 64588)

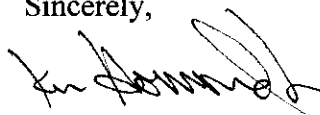
Dear Ms. Dortch:

Tampa Bay Television, Inc., licensee of broadcast television station WFTS-DT, Tampa, Florida, hereby respectfully requests a waiver as contemplated by Section 339(a)(2)(D) of the Satellite Home Viewer Extension and Reauthorization Act of 2004, 47 U.S.C. § 339(a)(2)(D), to prevent digital signal testing intended to establish eligibility to receive distant digital network signals from satellite carriers.

This waiver is sought pursuant to Section 339(a)(2)(D)(vii)(IV). As described in the attached Engineering Statement prepared by John F.X. Browne & Associates, P.C., station WFTS-DT's signal coverage area is substantially decreased due to physical constraints on its tower that can only be addressed at the end of the digital transition—constraints that are directly comparable in effect to utilizing a side-mounted antenna.

Accordingly, Tampa Bay Television, Inc., respectfully requests that the FCC grant the foregoing request for waiver. If further information is required, please contact the undersigned.

Sincerely,



Kenneth C. Howard, Jr.
Counsel to Tampa Bay Television, Inc.

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List A B C D E

Ms. Marlene Dortch
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Attachment

cc: Nazifa Sawez, FCC (Room 2-A726)
WFTS Public Inspection File



ENGINEERING STATEMENT
IN SUPPORT OF
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST
MB DOCKET No. 05-317
SCRIPPS HOWARD BROADCASTING
WFTS
TAMPA, FL
NOVEMBER 30, 2005

Tampa Bay Television, Inc., a wholly-owned subsidiary of Scripps Howard Broadcasting Company (Scripps), is the licensee of WFTS-DT which operates on Channel 29 at Tampa, FL and has certified to the coverage achieved by its "maximized" construction permit (File #BLCTD20040330ABZ) which was filed before the DTV transition rules were established. WFTS was allotted 101 kW at an HAAT of 471m but applied-for and constructed maximized facilities with an ERP of 500 kW at an HAAT of 476m^{1/}. WFTS-DT has operated with these 500 kW licensed facilities (File #BLCDT20020319AAG) since March, 2002. The WFTS construction permit for further maximized facilities specifies an ERP of 987 kW at an HAAT of 475m. These facilities cannot be implemented until the end of the transition for the reasons discussed below.

WFTS is collocated on a multi-user tower with WFLA-TV. Presently, the WFTS-DT transmission line is fed through the center of the WFLA-DT (Channel 7) antenna. The maximum size of the transmission line is mechanically limited by the size of the WFLA antenna and the WFLA-DT antenna cannot accommodate a larger size transmission line for WFTS;

^{1/} The maximum power is limited by the size of the transmission line feeding the antenna.



WFTS cannot increase its ERP to the authorized 987 kW without increasing the size of its transmission line.

Before the institution of the present "freeze", WFLA had planned to modify its analog and digital facilities so that WFTS could increase its transmission line size (WFLA reportedly had planned to elect its analog Channel 8 for DTV). However, after the rules were established for the DTV transition (six months after WFTS-DT applied for its construction permit for further maximized facilities), WFLA decided to elect its allotted Channel 7 for DTV and continue using its present digital antenna beyond the end of the transition. The WFTS analog antenna occupies the only space available on the tower where the transmission line would not be limited by the characteristics of the WFLA digital antenna. However, the tower cannot structurally handle an additional side-mounted analog antenna (which would permit the digital antenna to occupy the space now used by the WFTS-TV antenna) and, therefore, WFTS is unable to move its digital antenna to the new location until the end of the DTV transition ^{2/}.

In June 2005, Scripps filed a request for waiver of the July 1, 2005 "use-it-or-lose-it" deadline for construction of "full" certified facilities for WFTS-DT. The limitation of the DTV transmission line (resulting in a lower ERP) will cause WFTS to experience a substantial decrease of approximately 774 sq. km (3.50%) in its digital signal coverage area within its DMA boundaries. The area that will not be served by the station during the DTV transition is depicted on the attached map.

Therefore, given the above information, Scripps is requesting a waiver for WFTS of the satellite subscriber digital signal testing requirements of Satellite Home Viewer Extension and Reauthorization Act of 2004.

^{2/} The WFTS-DT antenna is mounted on the top of a candelabra platform along with the analog and digital antennas of WFLA and the analog antenna of WFTS-TV. While not "side-mounted", it is mounted in a position where full ERP cannot be achieved until the WFTS analog antenna is removed at the end of the transition.

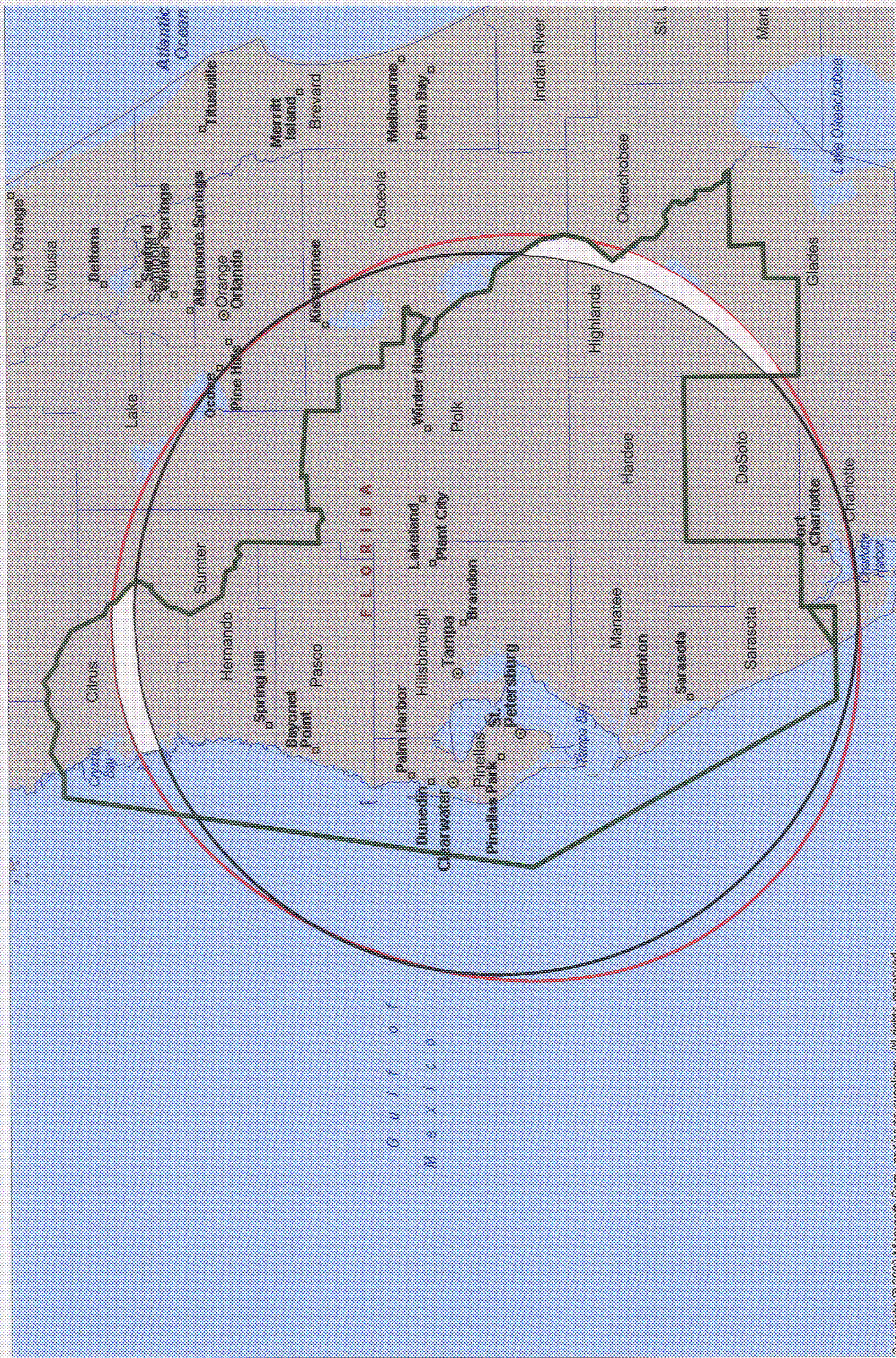
**Certification**

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.

John F.X. Browne, P.E.

Attached: Map

Area Not Served by WFTS During DTV Transition



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Red - WFTS "Certified" Facility

Black - WFTS Existing (Transition) Facility

Green - Outline of DMA Counties

White Areas - Areas not served by WFTS during DTV transition